Message

Hamilton, Lindsay [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP From:

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BC6BC5ADBF134E70AC4E553B3B04DF36-HAMILTON, L]

Sent: 12/21/2021 12:38:04 AM

To: Grantham, Nancy [Grantham.Nancy@epa.gov]

CC: Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Conger, Nick [Conger.Nick@epa.gov]; Daguillard, Robert

[Daguillard.Robert@epa.gov]; Carroll, Timothy [Carroll.Timothy@epa.gov]

Subject: Re: Next whistleblower piece

Ex. 5 Deliberative Process (DP) I will send in ten minutes.

Sent from my iPhone

On Dec 20, 2021, at 7:28 PM, Grantham, Nancy < Grantham. Nancy@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

thanks ng

Nancy Grantham Principal Deputy Associate Administrator Environmental Protection Agency Office of Public Affairs 202-564-6879 (desk) 202-253-7056 (cell)

From: Dunton, Cheryl < Dunton. Cheryl @epa.gov>

Sent: Monday, December 20, 2021 7:26 PM

To: Hamilton, Lindsay < Hamilton.Lindsay@epa.gov>; Conger, Nick < Conger.Nick@epa.gov>; Daguillard,

Robert < Daguillard. Robert@epa.gov>

grantham.nancy@epa.gov

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>

Subject: RE: Next whistleblower piece

Ex. 5 Deliberative Process (DP)

From: Hamilton, Lindsay < Hamilton.Lindsay@epa.gov>

Sent: Monday, December 20, 2021 6:42 PM

To: Conger, Nick < Conger.Nick@epa.gov>; Daguillard, Robert < Daguillard.Robert@epa.gov>

Cc: Grantham, Nancy < Grantham.Nancy@epa.gov>; Dunton, Cheryl < Dunton.Cheryl@epa.gov>; Carroll,

Timothy < Carroll. Timothy@epa.gov> Subject: RE: Next whistleblower piece

Ex. 5 Deliberative Process (DP)

From: Conger, Nick < Conger.Nick@epa.gov > Sent: Monday, December 20, 2021 6:26 PM

To: Daguillard, Robert < Daguillard.Robert@epa.gov>

Cc: Grantham, Nancy <<u>Grantham.Nancy@epa.gov</u>>; Dunton, Cheryl <<u>Dunton.Cheryl@epa.gov</u>>; Hamilton, Lindsay <<u>Hamilton.Lindsay@epa.gov</u>>; Carroll, Timothy <<u>Carroll.Timothy@epa.gov</u>>

Subject: Re: Next whistleblower piece

Ex. 5 Deliberative Process (DP)

Nick Conger EPA Press Secretary 202-941-1116

On Dec 20, 2021, at 6:25 PM, Daguillard, Robert < <u>Daguillard.Robert@epa.gov</u>> wrote:

Yes, I shall.

From: Grantham, Nancy < Grantham. Nancy@epa.gov>

Sent: Monday, December 20, 2021 6:18 PM **To:** Dunton, Cheryl < <u>Dunton.Cheryl@epa.gov</u>>

Cc: Hamilton, Lindsay < <u>Hamilton.Lindsay@epa.gov</u>>; Daguillard, Robert

<Daguillard.Robert@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Carroll, Timothy

<Carroll.Timothy@epa.gov>

Subject: RE: Next whistleblower piece

Ex. 5 Deliberative Process (DP)

Nancy Grantham
Principal Deputy Associate Administrator
Environmental Protection Agency
Office of Public Affairs
202-564-6879 (desk)
202-253-7056 (cell)
grantham.nancy@epa.gov

From: Dunton, Cheryl < <u>Dunton.Cheryl@epa.gov</u>> Sent: Monday, December 20, 2021 4:20 PM

To: Grantham, Nancy < Grantham. Nancy@epa.gov>

Cc: Hamilton, Lindsay < Hamilton. Lindsay@epa.gov>; Daguillard, Robert

<Daguillard.Robert@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Carroll, Timothy

<Carroll.Timothy@epa.gov>

Subject: RE: Next whistleblower piece

Ex. 5 Deliberative Process (DP)

From: Dunton, Cheryl

Sent: Monday, December 20, 2021 2:07 PM

To: Grantham, Nancy < Grantham. Nancy@epa.gov>

Cc: Hamilton, Lindsay < Hamilton.Lindsay@epa.gov >; Daguillard, Robert

<Daguillard.Robert@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Carroll, Timothy

<Carroll.Timothy@epa.gov>

Subject: Re: Next whistleblower piece

I've got a response with Michal that she's reviewing

On Dec 20, 2021, at 2:06 PM, Grantham, Nancy Grantham.Nancy@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

thanks ng

Nancy Grantham
Principal Deputy Associate Administrator
Environmental Protection Agency
Office of Public Affairs
202-564-6879 (desk)
202-253-7056 (cell)
grantham.nancy@epa.gov

From: Hamilton, Lindsay < Hamilton.Lindsay@epa.gov>

Sent: Monday, December 20, 2021 2:04 PM

To: Daguillard, Robert < Daguillard.Robert@epa.gov >; Grantham, Nancy

<Grantham.Nancy@epa.gov>

Cc: Conger, Nick < Conger. Nick@epa.gov>; Carroll, Timothy

<Carroll.Timothy@epa.gov>

Subject: FW: Next whistleblower piece

Ex. 5 Deliberative Process (DP)

From: Sharon Lerner <sharon.lerner@theintercept.com>

Sent: Monday, December 20, 2021 11:37 AM

To: Daguillard, Robert < Daguillard.Robert@epa.gov >

Cc: Carroll, Timothy < Carroll.Timothy@epa.gov >; Hamilton, Lindsay

<Hamilton.Lindsay@epa.gov>; Dunton, Cheryl

<Dunton.Cheryl@epa.gov>

Subject: Re: Next whistleblower piece

Yes confirming that we can update at any point after publication.

Sharon Lerner Investigative Reporter The Intercept mobile/signal 718-877-5236 @fastlerner

https://theintercept.com/staff/sharonlerner/

On Dec 20, 2021, at 11:35 AM, Sharon Lerner <sharon.lerner@theintercept.com> wrote:

We can update at any point, I believe. I put in a note to my editor to confirm, will let you know as soon as he gets back to me.

Sharon Lerner
Investigative Reporter
The Intercept
mobile/signal 718-877-5236
@fastlerner
https://theintercept.com/staff/sharonlerner/

PGP:

CB29 D9FF 9285 3205 087E 83A1 0C30 2F39 4F30 8BFE

On Dec 20, 2021, at 11:27 AM,
Daguillard, Robert
<<u>Daguillard.Robert@epa.gov</u>> wrote:

Thanks, Sharon. Duly noted. How late can you update your story?

From: Sharon Lerner

<sharon.lerner@theintercept.com>
Sent: Monday, December 20, 2021

11:24 AM

To: Daguillard, Robert

<Daguillard.Robert@epa.gov>

Cc: Carroll, Timothy

<<u>Carroll.Timothy@epa.gov</u>>; Hamilton, Lindsay <<u>Hamilton.Lindsay@epa.gov</u>> **Subject:** Re: Next whistleblower piece

Robert-

This is going to come out tomorrow. So sorry for the shorter than usual turnaround time

Sharon Lerner
Investigative Reporter
The Intercept
mobile/signal 718-877-5236
@fastlerner
https://theintercept.com/staff/sharonlerne
r/

PGP:

CB29 D9FF 9285 3205 087E 83A1 0C30 2F39 4F30 8BFE

On Dec 20, 2021, at 9:08 AM, Daguillard, Robert <<u>Daguillard.Robert@ep</u> a.gov> wrote:

Sorry, Sharon: I'm sure you realize this week will see lighter-than-usual staffing: We're closed Friday, to say nothing of staff going on leave beforehand. Are you planning to put this piece out any time before, say, the first of the year? How urgently do you need it?

Thanks as always, R.

From: Daguillard,
Robert

<Daguillard.Robert@ep
a.gov>
Sent: Monday,
December 20, 2021
9:04 AM
To: Sharon Lerner

<sharon.lerner@theint
ercept.com>
Cc: Carroll, Timothy

<Carroll.Timothy@epa.
gov>; Hamilton, Lindsay

<<u>Hamilton.Lindsay@ep</u> <u>a.gov</u>>; EPA Press Office <<u>Press@epa.gov</u>> **Subject:** RE: Next whistleblower piece

Good morning Sharon,

I know your message is addressed to Tim and Lindsay, but I wanted to acknowledge on their behalf.

Best as always, R.

From: Sharon Lerner < sharon.lerner@theint

ercept.com>
Sent: Monday,
December 20, 2021

8:53 AM

To: EPA Press Office
<Press@epa.gov>
Cc: Carroll, Timothy
<Carroll.Timothy@epa.gov>; Hamilton, Lindsay
<Hamilton.Lindsay@ep
a.gov>

Subject: Re: Next whistleblower piece

Hi Tim and Lindsay-Just circling back on this to make sure you received it. Thanks, Sharon

Sharon Lerner
Investigative Reporter
The Intercept
mobile/signal 718-8775236
@fastlerner
https://theintercept.com/
staff/sharonlerner/

PGP: CB29 D9FF 9285 3205 087E 83A1 0C30 2F39 4F30 8BFE

On Dec

17,

2021,

at

10:19

AM,

Sharon

Lerner

<sharo

<u>n.lerner</u>

@thein

tercept.

com>

wrote:

Hi Tim and the

press officel am writing with questio ns regardi ng the next article in the series based on the **EPA** whistle blowers . I am basing the piece, which ľve summa rized below, on intervie ws with several EPA employ ees as well as docum ents they have shared with me, includin g screens hots of emails. l am

asking whethe r you want to

comme nt on any of what ľve written below and have highligh ted in yellow three questio ns. Can you please get me your respons e by the end of the day on Monda y? Thank

++++

you, Sharon

In this piece, I write about the assess ment of a paint product that was finalize d on Decem ber 19, 2019. The paint contain ed the solvent

parach lorobe nzotrifl uoride, or **PCBTF** , which made up half of the produc t by weight. **PCBTF** presen ts numer ous health hazard s, accordi ng to a <u>2009</u> <u>report</u> from the Nation al Toxicol ogy Progra m. Earlier in 2019, Califor nia had listed **PCBTF** under Propos ition 65, basing its dec ision o n eviden ce that the chemic al had caused liver tumors

in both male and female mice. And just month before the produc t was being assesse d by EPA's NCD, the Intern ational Agency for Cancer Resear ch had <u>de</u> <u>emed</u> **PCBTF** a likely human carcino gen.

The toxicol ogist who was assigne d the case of the paint noted that it contai ned **PCBTF** and en gaged in conver sations - in person and over

email about how to handle it. While numer ous assesso rs agreed that the risks of **PCBTF** should be include d in the assess ment of the new paint, one off icial, who holds a senior leaders hip role in the agency , said she felt that the danger s of **PCBTF** should not be mentio ned in the assess ment. In a Decem ber 18 email, she describ ed the

chemic

al as "just a solvent there as a part of makin g it." She argued that, b ecause it didn't appear that **PCBTF** was meant to be an ingredi ent in the final produc t, its health effects should not be consid ered in the assess ment.

The official , whom the whi stleblo wers asked me not to name in the piece, also pointe d the assesso rs to a 1985 memo, which

addres sed when **EPA** should assess the risk from a new chemic al substa nce. The whistle blower describ e her as angrily throwi ng the memo at them and said that tensio ns with this official over identif ying chemic als' risks were runnin g high.

The official saw the memo as eviden ce that PCBTF should n't be consid ered

when assessi ng the paint and told the toxicol ogists assem bled at the meetin g to "Read it. Follow it." But several of the assesso rs interpr eted the memo differe ntly, pointin g out that some section s seeme d to suppor t the inclusi on of **PCBTF** in the assess ment and noting that others laid out the possibi lity of referri ng the compo und to

the

Existin g Chemi cals progra m for assess ment. The memo also laid out other actions to be taken if the new chemic als divisio n did not assess the produc t. "There' s a final paragr aph stating that if there is nothin g done, if we're not going to do the review ourselv es, at a bare minim um, the risk manag ers should be comm

unicati

ng what we found to the chemic al compa ny so that they know that they have to take some sort of action, " one of five agency scienti sts whoex presse d their suppor t for includi ng the danger s of **PCBTF** in the assess ment of the new paint said. This did not happe n, accordi ng to the whistle blower s. "It does seem that we

need to be

concer ned about the risk of the new chemic al plus existin g chemic als that pose risk," anothe r of the toxicol ogists wrote. "I think the human health assesso rs need to feel comfor table that we are doing our best to protect public health.

Anothe

concur red, noting that "severa l of us spoke to **NCMB** New Chemi cals Manag ement Branch] in

mid-Octobe r about this and they suppor ted assessi ng residua ls, impuri ties" for risk assess ments.

But the hazard presen ted by **PCBTF** were not include d in the assess ment of the paint. I n a version of the docum ent entere d into the divisio n's compu ter system on Decem ber 17, the toxicol ogist had noted that **PCBTF**

can be

absorb ed throug h the lungs, GI tract, and skin. Не also identifi ed cancer as one of its hazard s, along with liver, kidney, lung, and adrena l gland effects, and calcula ted the cancer risk associa ted with precise amoun ts of the paint. But the next day, hours after the conten tious meetin g at which the memo was discuss ed, the official

who had argued against the inclusi on of the inform ation inserte d a note into the assess ment, asking him to delete all referen ces to **PCBTF**

The toxicol ogist did not delete the inform ation, but the official who had led the charge against makin g any mentio n of the risks of PCBTF did. On Decem ber 18, she posted an update d

version

of the assess ment that crosse d out the list of PCBT's effects and the exposu re levels above which it could be expect ed to cause cancer. In its place, she inserte d a new senten ce: "For the new chemic al substa nce (polym er), **EPA** did not identif y a hazard ." The next day, she signed off on the docum ent she had

change

d, publicl y declari ng that the agency had found that it did not pose a hazard The whistle blower s said that the remov al of the scientif ically accurat e warnin g left the scienti sts who do chemic al assess ments feeling powerl ess to do their jobs and win an argum ent within their workpl ace on its merits. "You'v e got multipl

e

people saying, hey, this deserv es more careful consid eration . But she made a call, overro de everyb ody, shut it down, and we never talked about it again," said one. The whistle blower said that **EPA** could have taken several possibl e actions to alert the public about the paint. "But the conver sation is not 'what can we do within these

limitati ons?" he said. "Instea d their questio n is, 'how little can we get away with? What can we get off our plate?'

Не also said that "When new inform ation comes in that shows that someth ing is less toxic than what we though t, that gets used right away. But if it shows that there are new concer ns that we weren't aware

of before, sudden ly the level of scrutin y goes way up." I asked David Michael s, the former head of OSHA, about this case, which involve s the potenti al exposur e to worker s. And he said "T he EPA is suppos ed to be consid ering whethe r worker s' exposu res could be toxic. This is a failure of EPA to follow the law." I note

in the

story that the whistle blower s are not allowe d to disclos e the produc ts name or anythi ng else about it becaus e, as is almost always the case, the manuf acturer S submit ted those details to the agency as confide ntial busine SS inform ation. [QUES TION: IS THIS **ACCU** RATE, THAT **MANU FACT** URER S "AL MOST **ALWA** YS"

SUBM

IT THE INFOR MATI ON ABOU T THEIR PROD UCTS IN **PMNS** AS CBI? OR IS IT ALWA YS THE CASE? OR JUST SOME TIMES ?] I note that the staffers could face penalti es if they disclos ed them and that they can identif PCBTF withou t penalt y becaus e, as an existin g chemic al, it is not

subject to the

same restrict ions. I note that the paint is not the only produc t that contai ns **PCBTF** and that none of 7 safety data sheets I found for produc ts that contai n it identifi ed the risk of cancer. I also note that there are many chemic als for which the **EPA** has failed to update regulat ion based on the most recent science "We never

go

back and review these cases and put on new restrict ions for their use," said one of the whistle blower s. I note that the **EPA** chose 20 <u>"hig</u> <u>h</u> <u>priorit</u> <u>y"</u> subs tances to be evaluat ed under the update ď chemic als law in 2019. [QUES TION: WHEN ARE THOS E 20 **ASSES SMEN** TS **EXPEC** TED TO BE **FINAL**

I also note

IZED?]

that th ere is no clear way to ensure that the agency update s its assess ments — or even inform S anyone when it learns about the harms of a chemic al and refer

back to my rece nt story <u>on</u> <u>8e sub</u> <u>mission</u> <u>s</u>. [QUEST ION: IS THERE ANY **UPDAT** E ON THIS? ARE THE 8ES **AVAILA BLE YET** IN **CHEMV** IEW?] Finally, I note that the whistle

blowers found experie nce of being u nable to pers uade their superi or of the import ance of warnin g the public about **PCBTF** both frustra ting and bafflin g. "Why would someo ne hear that there's a cancer risk for worker s and not even let people know about it?" On e asked . "Why would they think that that's someth ing that can just be

ignore d?"

Sharon Lerner Investig ative Reporte The Intercep t mobile/ signal 718-877-5236 @fastler ner https://t <u>heinterc</u> ept.com /staff/sh <u>aronler</u> ner/

PGP: CB29 D9FF 9285 3205 087E 83 A1 0C30 2F39 4F30 8BFE